

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Acting Regional Chief Counsel
Office 7
Social Security Administration
Michael J. Mullen, WSBA No. 54288
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
701 Fifth Avenue, Suite 2900 M/S 221A
Seattle, WA 98104-7075
Telephone: (206) 615-2748
Facsimile: (206) 615-2531
Email: Michael.J.Mullen@ssa.gov
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

SEAN THOMAS JEFFRIES,)	Case No.: 1:23-cv-00955-JLT-GSA (SS)
)	
Plaintiff,)	STIPULATION FOR AN EXTENSION OF
)	TIME; ORDER
vs.)	
MARTIN O'MALLEY, ¹)	
Commissioner of Social Security,)	
)	
Defendant.)	

With the Court's approval, IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's Motion for Summary Judgment be extended thirty (30) days from December 22, 2023, up to and including January 22, 2024. This is the parties' first request for an extension of the Defendant's

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 response deadline regarding Plaintiff's Motion for Summary Judgment. The Court requires good
2 cause for modification of the briefing schedule. Defendant respectfully requests that the Court
3 find good cause for the following reasons.

4 Plaintiff filed his opening brief / motion for summary judgment on November 24, 2023
5 (Dkt. 15). The undersigned counsel for Defendant was assigned this matter on November 30,
6 2023. Defendant's responsive brief is due December 22, 2023. An extension to this deadline is
7 needed due to the undersigned counsel for Defendant's workload. He has five briefing deadlines
8 in a period of four workdays, including this case. Despite Defendant's counsel exercising due
9 diligence, additional time is necessary for Defendant to respond.

10 With Court approval, the parties further stipulate that the Court's Scheduling Order shall
11 be modified accordingly.

12 Respectfully submitted,

13 Dated: December 21, 2023

/s/ Jonathan Omar Pena*

JONATHAN OMAR PENA

Attorney for Plaintiff

(*signature authorized via e-mail December 21,
2023)

17 Dated: December 21, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Acting Regional Chief Counsel

Office 7

Social Security Administration

22 By: /s/ Michael J. Mullen

MICHAEL J. MULLEN

Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

Pursuant to the parties' Stipulation, IT IS SO ORDERED that Defendant shall have an extension of 30 days, to January 22, 2024, to file the Commissioner's responsive brief.

IT IS SO ORDERED.

Dated: **December 22, 2023**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE